IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

MATTHEW LEE FLOWERS,

Petitioner,

v.

BOBBY LUMPKIN, Director, Texas Department of Criminal Justice, Correctional Institutions Division,

Respondent.

2:23-CV-77-Z-BR

ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

Before the Court are the findings, conclusions, and recommendation of the United States Magistrate Judge to deny the Petition for Writ of Habeas Corpus filed by Matthew Lee Flowers ("FCR") (ECF No. 40) and Petitioner's Motion for Discovery ("Discovery Motion") (ECF No. 41).

Petitioner filed objections to the FCR on May 7, 2024, ECF Nos. 42, 43, restating his desired relief and rehashing evidentiary objections the FCR already addressed, ECF No. 40 at 26–27. So after making an independent review of the pleadings, files, and records in this case, the District Judge concludes that the FCR is correct. It is therefore **ORDERED** that the FCR be **ADOPTED** and Flowers' Petition for Writ of Habeas Corpus **DENIED**. Petitioner's Discovery Motion is also **DENIED**. *See* ECF No. 40 at 26–27 (explaining further discovery is inapt here).

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." *Slack v. McDaniel*,

529 U.S. 473, 484 (2000); *see also Hernandez v. Thaler*, 630 F.3d 420, 424 (5th Cir. 2011). The Court **ADOPTS** and incorporates by reference the FCR filed in this case in support of its finding that Petitioner has failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack*, 529 U.S. at 484.

SO ORDERED.

May 15, 2024.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE